

East Boulder Form-based Code Table of Comments and Recommended Changes

DRAFT FOR January 14, 2025, Office Hours

The tables below summarize comments received from community and Council members prior to the December 5, 2024, public hearing of the proposed amendments to the East Boulder Subcommunity Plan and associated form-based code updates outlined in Ordinance 8669. Staff have analyzed each individual request and make the following suggestions on those to be accepted, accepted with modifications, or are not recommended.

Comments Recommended to be Incorporated or Incorporated with Modifications

Item #	Topic	Short Reference	Comment/Request	Code Reference	Type of Change	Staff Analysis
1	Procedures	Site Review vs. Form-Based Code	<p>Remove requirement for Site Review projects to be compatible with form-based code standards to the extent practicable.</p> <p>(Note, modifications to properties with existing PUDs or Site Review approvals are reviewed through the Site Review process unless the applicant chooses to utilize form-based code.)</p>	9-2-16(b)(4)(C)	Major policy	<p><i>Incorporate.</i></p> <p><i>The original form-based code was adopted as a pilot project in April 2016 in response to a desire for predictable, high quality architectural design in the rapidly redeveloping Boulder Junction area. This provision was included to reinforce desired outcomes even if a project was reviewed through the Site Review process due to an existing PUD or Site Review approval.</i></p> <p><i>Since then, the Site Review criteria were updated in February 2023 to provide clearer guidance to applicants and revise ambiguous or subjective standards. Additionally, form-based code has become more familiar to the Boulder community and is being applied in multiple locations.</i></p> <p><i>Staff recommend removal of this standard because of recent changes to the Site Review criteria and to eliminate confusion between Site Review and form-based code review processes. Removal of this requirement means that sites with existing PUDs or Site Review approvals will be reviewed through the Site Review process entirely independent of the form-based code. Applicants maintain the right to ‘opt-in’ to the form-based code if they choose.</i></p>

2	Procedures	Established Buildings and Uses	Clarify the standards related to buildings, structures, and uses legally established prior to the effective date of the form-based code to ensure it allows buildings, structures, and uses that may have been established without a building permit or development approval to continue.	9-14-5(b), 9-14-15(e)	Clarification	<i>Incorporate.</i>
3	Procedures	Reconstruction Timeframe	Extend the timeframe for an existing structure or use to be re-established to original condition after a calamity or be restored to a safe condition under existing zoning regulations to allow construction to begin within 2 years of a calamitous event and be completed within 3 years of the date construction commenced.	9-14-5(e)	Minor policy	<i>Incorporate.</i> <i>Note, this change will also create consistency with other nonconformance standards outlined in Section 9-10-2(b) that allow reconstruction to be “started within two years of such event, and completed within three years of the date on which the restoration commenced.”</i>
4	Procedures	Applicability of Standards for Large Sites	Clarify the large site standards only apply when the proposed project is 4 acres or larger, but not to smaller projects on a single parcel that is 4 acres or larger.	9-14-6(c)(10), 9-14-13-(a)	Clarification	<i>Incorporate with modifications.</i> <i>The large site standards are intended to create a basic framework of site design considerations and additional mobility connections (streets, pedestrian connections, etc.) on properties larger than 4 acres, rather than a piecemeal approach that may result in buildings being located inappropriately.</i> <i>Staff recommend revisions to clarify the standards do not apply to a project that consists of a single building on a property larger than 4 acres; however, the city retains the ability to request an applicant meet these standards if future phases are anticipated or likely to occur.</i>
5	Public Space Design	Brick/Pavers in Paseos	Remove requirement for brick or pavers to comprise 30% of the surface treatment of the pedestrian travel way of a paseo.	9-14-10(b), Table 14-2	Minor policy	<i>Incorporate with modifications.</i> <i>The minimum travel way width in paseos is 6 feet, or 10 feet in the case of Enhanced Paseos due to their higher visibility and use by pedestrians. These standards are already proposed to be significantly simplified from the original form-based code. Staff recognize the value of flexibility and believe requirements for higher quality materials are important for pedestrian-oriented areas.</i> <i>Staff recommend removing this requirement from Narrow and Wide paseos, and maintaining it for Enhanced Paseos which were specifically created to provide a higher-quality design and pedestrian experience.</i>

6	Public Space Design	Planters in Paseos	Remove design and dimensional requirements for planters within paseos.	9-14-10 (b)(6)(B)(iii)	Minor policy	<i>Incorporate.</i>
7	Public Space Design	Unique Stormwater Design Standards	Remove design requirements for stormwater features.	9-14-12(l)	Minor policy	<p><i>Incorporate with modifications.</i></p> <p><i>These standards only apply to stormwater features that are incorporated into required Outdoor Space areas to ensure they are sensitively integrated into pedestrian-oriented public spaces. Stormwater features located outside of Outdoor Spaces do not have any form-based code design standards.</i></p> <p><i>Staff recommend removing the material standards but retaining the wall height requirements to ensure that terraces and short walls are incorporated into Outdoor Spaces rather than tall, monolithic structures wherever possible. If stormwater standards require a taller wall instead of terraces, these requirements will supersede form-based code standards, even if located in an Outdoor Space.</i></p>
8	Building Design	Occupied Space in Buildings	Remove requirement for occupied building space on Type A and B frontages from the Workshop building.	9-14-20(13)	Minor policy	<p><i>Incorporate with modifications.</i></p> <p><i>Occupied building space standards are intended to move inactive spaces such as storage, utilities, and parking garages away from the most visible street frontages and pedestrian spaces. It is critical for buildings to contribute to the safety and vibrancy of these pedestrian-oriented frontages through active uses and window transparency that put ‘eyes on the street’. Occupied building space is <u>not</u> required to be retail or commercial space. It is defined as being regularly occupied by building users and does not include storage areas, utility space, vehicle service areas, parking, or other uninhabitable spaces.</i></p> <p><i>Staff recommend revising this standard to apply only to Type A frontages in the Workshop building. Occupied building space would not be required on Type B or Type C street frontages, or side/rear yard facades.</i></p>
9	Building Design	Service Base Clarification	Clarify the description of the Service Base to not be limited to Type C frontages	9-14-24	Clarification	<i>Incorporate.</i>
10	Building Design	Transparency & Blank Wall Rules	Simplify transparency and blank wall rules of measurement.	9-14-26(g)(1)	Clarification	<i>Incorporate.</i>
11	Building Design	Canopy Rules	Revise canopy and awning standards to be more flexible.	9-14-32(b)(2)	Minor policy	<i>Incorporate.</i>

12	Building Design	Integrated Balconies	Remove requirement for structurally integrated balconies. Would support prohibition of drip-thru decks.	9-14-32(c)(1)(C)	Minor policy	<i>Incorporate.</i>
13	Building Design	Mechanical Equipment	Clarify that mechanical equipment may be placed outside of the building when locating it within (and/or on top of) the building is not feasible.	9-14-33(b)	Clarification	<i>Incorporate.</i>
14	Materials	Glass Block & Unfinished Concrete	Allow glass block and unfinished concrete as minor materials on all building types.	9-14-28, Table 14-9 and 14-11	Minor policy	<i>Incorporate.</i>

Comments/Requests Not Recommended for Council Support by Staff

Item #	Topic	Short Reference	Comment/Request	Code Reference	Type of Change	Staff Analysis
15	Procedures	Form-Based Code Opt-In / Opt-Out	Create the ability for all properties to opt-in to the form-based code, or alternatively, create the ability for all properties to opt-out of the form-based code.	9-2-16(b)(4), 9-14-5(c)	Major policy	<p><i>This proposed change represents a substantial shift in the current policy to define a set of objective design standards based on the adopted Area or Subcommunity Plan in locations where substantial redevelopment potential exists. Establishing an optional set of standards introduces ambiguity into the development review process and could result in unpredictable outcomes that may not fully realize the goals and policies of the adopted plans.</i></p> <p><i>Staff believe the allowance for properties with existing PUDs and Site Review approvals to continue under the Site Review amendment process already provides the desired flexibility. Additionally (as noted above at the top of the memo), staff recommend changing the language in 9-2-16(b)(4) to remove the Site Review requirement to be compatible with the form-based code, which provides further clarification of the independence of these two processes from one another (see Item 1 above).</i></p> <p><i>This flexibility applies to nearly all of the proposed form-based code areas in East Boulder. Currently, 90% of parcels comprising 94% of the land area within the proposed form-based code, including all of the properties along 55th Street north of the railroad, have existing PUDs and would therefore default to Site Review with form-based code as an option.</i></p>

16	Procedures	Site Review vs. Form-Based Code	Clarify the requirement for Site Review projects to be compatible with form-based code standards to the extent practicable is limited to the physical/architectural characteristics of the project and exclude “site configuration” which could be misinterpreted to include use-related standards.	9-2-16(b)(4)(C)	Clarification	<i>No longer applicable per recommendation to remove the requirement to be compatible with form-based code per Item 1.</i>
17	Procedures	Clarify 60% Threshold Also for Facades	Clarify the requirement for new facades that are located within the frontage setback and associated with the expansion of floor area of an existing building to comply with the form-based code only when the expansion is more than 60% of the existing floor area as specified in 9-14-5(d)(1).	9-14-5(d)(2)	Minor policy	<p><i>The frontage setback area is the space where the building is located closest to the street and most visible to the neighborhood. The form-based code prioritizes design quality, placemaking, and the relationship of the building to the pedestrian in this critical area.</i></p> <p><i>This standard was included in the original form-based code to ensure that any new façade associated with an addition, regardless of size, that is in the frontage setback meets the design and activation standards appropriate for the most visible sides of the building. This standard also encourages additions that do not meet the design standards of the form-based code to be located on the rear of the building or further away (ie, outside the frontage setback distance) from the pedestrian realm.</i></p>
18	Procedures	Façade Opt-Out When FBC Applies	Allow staff to exempt an applicant from complying with form-based code standards for new facades located within the frontage setback that are added to existing buildings.	9-14-5(d)(2)	Minor policy	<i>Form-based code review is a staff-level administrative review process and applicants can request exceptions to form-based code standards. Allowing staff to exempt projects from certain regulations of the Boulder Revised Code creates legal and procedural ambiguity and would require very specific criteria for when exemptions could apply.</i>
19	Building Types	Add Workshop Type Along 55 th Street North of Railroad	Modify the East Boulder – Flatirons Business Park Regulating Plan to allow the Workshop building type along 55 th Street corridor north of the railroad (eg, western side of Flatirons Business Park).	9-14-6(c), Figure 14-6	Major policy	<i>The adopted East Boulder Subcommunity Plan clearly sets an expectation for residential uses to be introduced along the 55th Street corridor over time as appropriate, as evidenced by the future land use map and Place Types map in the plan. The Boulder Valley Comprehensive Plan designates this area as Mixed Use Transit Oriented Development (MUTOD) which is defined as consisting predominantly of attached residential uses with supporting uses including office, retail, service, commercial and light industrial. The goal of MUTOD areas is to transform existing, disparate uses into mixed use, transit-oriented neighborhoods rich with amenities and services.</i>

						<p>Staff believe it would be inconsistent with the Subcommunity Plan and Comprehensive Plan to introduce the Workshop building in this location. However, staff recognize the value of continued business and production uses along the 55th Street corridor and have increased the threshold for new General buildings in East Boulder to include residential uses from 15,000 sf to 35,000 sf.</p> <p>Additionally, the allowance for properties with existing PUDs and Site Review approvals to continue under the Site Review amendment process provides the desired flexibility and applies to all properties along 55th Street north of the railroad. As noted above in Item 1, staff recommend further emphasizing the independence of the Site Review process by removing the current requirement to be compatible with the form-based code.</p>
20	Building Uses	Applicability Language	Revise the language for the required residential standard to specifically state it does not apply to the Workshop building type.	9-14-6-(c)(4)	Drafting	<p>The City Attorney's Office does not recommend adding this code language as it is not best practice in legislative drafting. Adding this clarifying language would call into question many other areas of the code that are silent regarding applicability. The current draft code is clear about when standards do and do not apply.</p>
21	Building Uses	Applicability Language	Revise the language related to required residential and production business space to specifically state they do not apply to existing structures unless they are modified to an extent where full compliance with the form-based code applies per 9-14-5.	9-14-6(c)(4), 9-14-6(c)(5)	Drafting	Refer to staff analysis under Item 20.
22	Building Uses	Residential Uses in Large General Buildings	Remove requirement to provide at least 50% residential floor area in General buildings that exceed 35,000 sf in total combined floor area.	9-14-6-(c)(4)	Major policy	Refer to staff analysis under Item 15 and 19.
23	Building Uses	Production Business Space in Large General and Workshop Buildings	Remove requirement to provide production business space in General and Workshop buildings that exceed 15,000 sf in total combined floor area.	9-14-6(c)(5)	Major policy	<p>Staff have consistently and overwhelmingly heard from Planning Board, City Council, and community members that there is a concern about losing smaller, more affordable spaces for local businesses that manufacture goods and provide community services when properties are redeveloped. This standard introduces a reasonable expectation that when properties substantially redevelop, a small portion of existing production business space should be replaced to continue to provide opportunities for local entrepreneurs, service providers, and makers.</p>

24	Building Uses	Fee Alternative for Production Business Space Requirements	Support small scale commercial business and production uses through a fee-in-lieu program (or similar) rather than requiring space through zoning.	9-14-6(c)(5)	Major policy	<p><i>Staff recognize incorporating production business space into large redevelopments is only one approach to support small businesses and that additional programmatic strategies will likely be necessary. Establishing a fee-in-lieu program or other similar mechanism is outside the scope of the form-based code update which is focused on defining the physical space associated with redevelopment.</i></p> <p><i>The 55th & Arapahoe Station Area is being considered for a possible future improvement district that could serve as a governing framework to manage a fee-in-lieu or affordable commercial program in the future. This will continue to be explored with the Community Vitality department through future implementation steps.</i></p>
25	Building Design	Mid-Block Pathways for Long Buildings	Remove requirement for mid-block pathway to be incorporated on frontages longer than 450 feet.	9-14-6(c)(2)	Minor policy	<p><i>The road network is more spread out and property sizes are larger in East Boulder than in most other locations in the city. One goal of the East Boulder Subcommunity Plan and proposed form-based code is to create a more fine-grained mobility network with smaller blocks that contribute to a more walkable, mixed use neighborhood.</i></p> <p><i>The standard only applies to sites that have a frontage that exceeds 450 feet (approximately 1 ½ typical blocks). Staff recognize a full break of a building (as in the case of a paseo) may not be appropriate and have allowed for the bridging of up to 30 feet or 30% of the total length (whichever is less) to enable a single structure to span the mid-block pathway. Staff believe this is a reasonable balance of creating better pedestrian connectivity, breaking down long building facades, and enabling cost effective architectural outcomes.</i></p>
26	Building Design	Designating Type A Frontage	Remove the requirement for one frontage to be designated as a Type A frontage where no Type A frontages exist in the Workshop building.	9-14-15(a)(6)	Major policy	<p><i>The need to identify at least one Type A frontage is a fundamental concept of the form-based code and applies to all areas, not only East Boulder. Type A standards orient the building to present a ‘front door’ to pedestrians and motorists on the most prominent and visible street frontage.</i></p>
27	Building Design	Floor-to-Floor Heights	Remove minimum and maximum floor-to-floor heights.	9-14-16 thru 9-14-21	Minor policy	<p><i>The form-based code includes design parameters that are easily measured for the base, middle, and top of a building to ensure the basic architectural framework is well-defined for both applicants and staff to facilitate an efficient development review process. These standards also provide predictability</i></p>

						<p>to the community about redevelopment outcomes and were created through broad community participation and visual preference analysis when the form-based code was originally created in 2016.</p> <p>Staff believe removing these standards introduces additional ambiguity and discretion into a process that is intended to be objective and routine. Applicants can request exceptions to all form-based code standards as needed.</p>
28	Building Design	Parapet Height Minimum	Remove minimum dimension requirements for parapet heights.	9-14-25(e)(1)(A)	Minor policy	Refer to staff analysis under Item 27.
29	Building Design	Roof Overhang Minimum	Remove minimum dimension requirements for flat roof overhangs.	9-14-25(f)(2)	Minor policy	Refer to staff analysis under Item 27.
30	Building Design	Transparency Standard	Revise transparency requirements to apply to only 80% of the façade.	9-14-26(g)	Minor policy	<p>Staff believe the flexibility intended by this comment is already captured in the transparency standards. The code requires the General building to incorporate only 20% transparency on each story of Type A, B, and C street frontages (ie, does not apply to side or rear yards) and the Workshop building to incorporate only 15% transparency on each story of only Type A street frontages. Note also the blank wall standards related to transparency only apply to the Type A frontage of the Workshop building creating additional flexibility on Type B and C frontages.</p>
31	Building Design	Tall Building Standards	Remove requirement for buildings taller than 40 feet to have 30% of the building be one story lower in height.	9-14-31	Major policy	<p>Staff believe this standard represents a reasonable balance between the increased floor area enabled by form-based code and the architectural outcomes desired by the community. During the creation of the original form-based code, community members and policy makers clearly identified a desire to break down taller buildings that exceeded 40 feet in height. The goal was to avoid buildings with monolithic façades and introduce variability in roof lines along the most visible Type A frontages in exchange for the increased height allowed by the form-based code.</p> <p>The form-based code allows greater floor area and building height than would be feasible under existing zoning standards, so staff do not believe this represents an undue reduction in buildable outcomes. Areas of reduced height may be repurposed as rooftop terraces and outdoor amenity spaces to support indoor uses.</p>

32	Public Space Design	Courtyard Standards	Allow smaller courtyard requirements.	9-14-14(h)(1)	Minor policy	<p><i>Small courtyard spaces are allowed and encouraged. Courtyards intended to meet minimum streetwall variation standards must meet minimum dimensions of 30 ft x 30 ft = 900 sf, so they are meaningful spaces and contribute to street level activity. Courtyards intended to qualify as a required Outdoor Space must be at least 1600 sf, which is substantially smaller than the minimum sizes of other Outdoor Spaces (0.1 acres = 4356 sf). Note that all of the Outdoor Space requirements required by the form-based code already represent a notable reduction of open space area standards required by existing zoning and Site Review.</i></p>
----	---------------------	---------------------	---------------------------------------	---------------	--------------	--

DRAFT